

Present: Councillor Pat Vaughan (*in the Chair*),
Councillor Loraine Woolley, Councillor
Kathleen Brothwell, Councillor Alan Briggs and Councillor
Adrianna McNulty

Apologies for Absence: None.

10. Confirmation of Minutes from 3 September 2020

RESOLVED that the minutes of the meeting held on 3 September 2020 be confirmed.

11. Declarations of Interest

No declarations of interest were received.

12. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

13. To Interview an Existing Driver who has Failed to Disclose a New Conviction: Item Number 11/2020

The Licensing Officer:

- a) provided a report to determine whether the licence holder was a fit and proper person to continue to hold a private hire driver's licence having failed to disclose a breach of a Community Order made by the magistrates' court requiring the licensee to undertake unpaid work
- b) stated that the licensee had held a licence since September 2019
- c) highlighted that following the Sub-Committee in September 2019 the licence holder had a condition added to his private hire driver's licence which required him to have a DBS check annually for 5 years
- d) explained that the licensee made an application for a re-licence on the 25th of August 2020 and did not declare a sentencing breach
- e) reported that following a DBS check for the licensee's application to re-licensing, licensing officers discovered that the licensee had breached his Community Order in November 2019 and had been re-sentenced by the magistrates' court as a result
- f) alerted the Sub Committee to the current Hackney Carriage and Private Hire Licensing Policy which stated the following in relation to giving or making a false declaration: *'It is an offence for any person knowingly or*

recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.'

The Decision was made as follows:

That the Private Hire Driver's Licence be granted subject to the following conditions:

1. A special condition be imposed requiring a 6 monthly DBS check to be carried out at the licence holder's expense for a duration of five years starting from the date of his current DBS.
2. A strongly worded letter be issued which would emphasise the importance of declaring any criminal findings of guilt or a sentencing breach, including an expectation that if any further offences were to occur then this may result in his Private Hire Drivers Licence being revoked.

Reasons for the Decision:

1. The Sub-Committee were concerned that the licence holder was untrustworthy but the licensee said that he had now completed his community order and paid his fine.
2. The licensee explained that he had tried unsuccessfully to contact the centre that administered Community Orders to explain why he could not carry out the unpaid work.
3. The licensee said that he had received legal advice that he did not need to declare the breach of the Community Order.
4. The Sub-Committee were satisfied that the conditions imposed on the grant of his licence detailed above would alleviate concerns raised by the Sub-Committee regarding the Private Hire Driver and offered reassurance to the panel that he remained a fit and proper person to continue to hold a private hire driver's licence.